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THE WHITE HOUSE

WASHINGTON

October 30, 1989

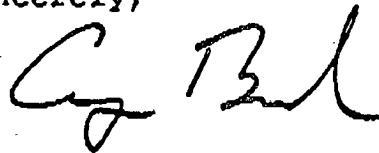
Dear Senator Boren:

The purpose of this letter is to state how I intend to provide notice to Congress of covert action under section 501 of the National Security Act of 1947, as amended. On December 17, 1986, the Assistant Attorney General, Office of Legal Counsel, provided the then Attorney General with an opinion as to the meaning as a matter of law of section 501(b) of the National Security Act. That provision requires the President to "fully inform the intelligence committees in a timely fashion of intelligence operations in foreign countries, other than activities intended solely for obtaining necessary intelligence, for which prior notice was not given. . . ." The opinion, at page 24, stated that "a number of factors combine to support the conclusion that the 'timely fashion' language should be read to leave the President with virtually unfettered discretion to choose the right moment for making the required notification."

I intend to provide notice in a fashion sensitive to congressional concerns. The statute requires prior notice or, when no prior notice is given, timely notice. I anticipate that in almost all instances, prior notice will be possible. In those rare instances where prior notice is not provided, I anticipate that notice will be provided within a few days. Any withholding beyond this period would be based upon my assertion of the authorities granted this office by the Constitution.

I am sending a similar letter to Senator Cohen.

Sincerely,



cc: The Honorable Anthony C. Beilenson
The Honorable Henry J. Hyde

The Honorable David L. Boren
Chairman
Select Committee on Intelligence
United States Senate
Washington, D.C. 20510-6475

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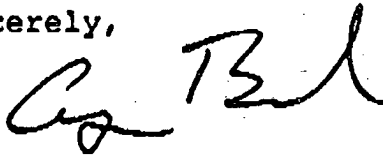
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cc: The Honorable Anthony C. Beilenson
The Honorable Henry J. Hyde

The Honorable William S. Cohen
Vice Chairman
Select Committee on Intelligence
United States Senate
Washington, D. C. 20510-6475

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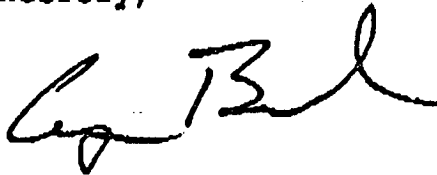
Dear Dick:

I enclose a copy of a letter I recently sent to the Chairman and Vice Chairman of the Senate Select Committee on Intelligence. That letter sets forth how I intend to carry out my obligation under section 501 of the National Security Act, as amended, with respect to the notification to Congress of covert action. On December 17, 1986, the Assistant Attorney General, Office of Legal Counsel, provided the then Attorney General with an opinion as to the meaning as a matter of law of section 501(b) of the National Security Act. That provision requires the President to "fully inform the intelligence committees in a timely fashion of intelligence operations in foreign countries, other than activities intended solely for obtaining necessary intelligence, for which prior notice was not given. . . ." The opinion, at page 24, stated that "a number of factors combine to support the conclusion that the 'timely fashion' language should be read to leave the President with a virtually unfettered discretion to choose the right moment for making the required notification."

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You are directed to share this letter with appropriate members of the Executive branch and to proceed accordingly in advising me and other Executive branch officials in connection with the provision of notice of covert actions.

Sincerely,



Enclosure

The Honorable Dick Thornburgh
The Attorney General
Department of Justice
Washington, D.C. 20530